

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
4:11-CR-58-BR-1

UNITED STATES OF AMERICA)	
)	
v.)	ORDER OF DETENTION PENDING
)	TRIAL
LATOYA RENEE EDWARDS,)	
)	
Defendant.)	

This case came before the court on 13 July 2011 for hearing on the government's motion, pursuant to 18 U.S.C. § 3142(f), to detain defendant pending trial. At the hearing, defendant presented no evidence. The government, proceeding by proffer, provided a summary of the evidence supporting its case. For the reasons stated below, the government's motion is GRANTED.

Background

Defendant was charged by indictment on 7 June 2011 with: conspiracy to distribute 28 grams or more of cocaine base (*i.e.*, crack) from about September 2009 through about 23 November 2010, in violation of 21 U.S.C. § 846 (ct. 1); distribution of a quantity of crack on or about 5 November 2010, in violation of 21 U.S.C. § 841(a)(1) (ct. 2); and possession with intent to distribute 28 grams or more of crack on or about 23 November 2010, in violation of 21 U.S.C. § 841(a)(1) (ct. 3).

Discussion

Based on the charges in the indictment, the case is subject to the rebuttable presumption in 18 U.S.C. § 3142(e)(3)(A). The court finds that defendant failed to rebut the presumption of detention. In accordance with this presumption, the court finds that there is no condition or combination of conditions that will reasonably assure the appearance of defendant as required and the safety of any other person or the community before trial.

Even absent a determination that defendant failed to rebut the presumption on the merits, the court finds that the government's proffer shows by clear and convincing evidence that there is no condition or combination of conditions that will reasonably assure the appearance of defendant as required or the safety of any other person and the community before trial. The basis for this alternative determination includes: the strength of the case against defendant; the nature of the offenses; and the substantial sentence defendant will likely receive if convicted.

Conclusion

IT IS THEREFORE ORDERED that defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

This, the 13th day of July 2011.



James E. Gates
United States Magistrate Judge